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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,727	03/29/2004	Klaus Fischer	03P05036	9363
24252	7590	11/18/2005	EXAMINER	
OSRAM SYLVANIA INC 100 ENDICOTT STREET DANVERS, MA 01923			VU, DAVID HUNG	
			ART UNIT	PAPER NUMBER
			2828	

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/810,727

Applicant(s)

FISCHER ET AL.

Examiner

David Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
3. The disclosure is objected to because of the following informalities: it seems like the application is a direct translation from a foreign application. Applicant should make appropriate changes to the language in order to bring it into conformance with proper idiomatic English.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, the recitation "...a first switch, which is designed to short-circuit the input of the load if a mains supply to the input of the load is not effected." renders the claim unclear as to what applicant is trying to claim. What does "short-circuit the input of the load" mean? "Mains supply to the input of the load is not effected" is confusing since the mains supply is always affected when the first switch is activated; all components in the circuit would be affected one way or another by action of any one them.

Claims 1, 3, and 13, "effected" should properly be ---affected---.

Claims 3 and 13, "...cancel the short circuit of the input of the load..." renders the claim unclear as to what applicant is trying to claim.

Claim 9, the recitation "a third resistor" renders the claim indefinite since there are no similar elements, i.e., first and second, recited earlier, similar problems for "third transistor", "first transistor", "fourth resistor", and "fifth resistor".

Claim 11, the recitation "A circuit arrangement for operating capacitive loads, in particular low pressure discharge lamps, at the mains with a phase gating dimmer, which has a power switch and a timing element, and the capacitive load..." renders the claim unclear as to what elements belong to the "circuit arrangement" and what elements constitute the "phase gating dimmer". Is "capacitive load" a part of the phase

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gating dimmer? Are “power switch and timing element” constituted the phase gating dimmer?

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 6-8, 10, and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugita et al (hereinafter Sugita), U.S. Pat No 6,054,815.

Sugita discloses the claimed invention including interface circuit has first and second transistors 50-51 for providing power to lamp 6. Certainly the actions of these switches would connect power source 1 to lamp load 6 and provide power to the same, see, for example, figures 1-5, column 3, lines 52+, column 4, column 5, lines 65+, column 6, column 7, lines 1-26.

Regarding claim 6, figures 1-5 show control circuit 8-9 for receiving signals from the mains supply circuit (e.g., 2-3, 55) and generating a signal for controlling power consumption of lamp load.

Regarding claims 8 and 14, inherently the control circuit is designed to put out signal proportional to the switch duty ratio for power controlling.

Regarding claim 10, the interface circuit is separated from lamp load 6 and mains supply.

Regarding claim 12, the Sugita device is an electronic ballast integrated with the interface circuit for operating at a phase gating dimmer. Note that "...for operating at a phase gating dimmer." expresses the intended use of the claimed invention. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Note that, the recitation (claim 1) "...for operating a capacitive load...in particular a phase gating dimmer" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugita in view of applicant's admitted prior art figure 1 and specification, page 6, lines 5-8.

Sugita, as disclosed from the above, discloses the claimed invention except a phase gating dimmer with a power switch and timing element and a capacitive load. However, a phase gating dimmer with power switch and timing element and a capacitive load is very well known in the lighting art as disclosed in applicant's admitted prior art figure 1 and specification, page 6, lines 5-8. It would have been obvious to one having ordinary skill in the art at the time of applicant's claimed invention was made to have employed the abovementioned phase gating dimmer; thus light intensity would have been controlled.

Allowable Subject Matter

10. Claims 5 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

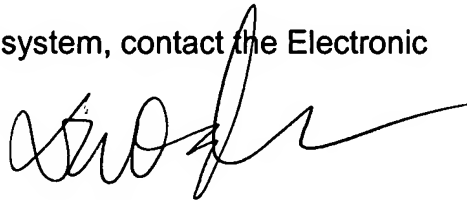
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Vu whose telephone number is (571) 272-1831.

The examiner can normally be reached on M-F 8am-430pm.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Vu
Primary Examiner
Art Unit 2828

dv